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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

| | | |
|---------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | CR. No. S-04-387-MCE |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | <u>STIPULATION AND ORDER</u> |
| JESUS RODRIGUEZ, |) | <u>CONTINUING TRIAL AND TRIAL</u> |
| |) | <u>CONFIRMATION HEARING DATES</u> |
| Defendant. |) | |
| |) | |

It is hereby stipulated between the parties, Plaintiff United States of America, by and through United States Attorney McGregor W. Scott and Assistant United States Attorney Phillip A. Talbert, and Defendant Jesus Rodriguez, through his attorney Bruce Locke, as follows:

It is agreed that the current trial date of October 14, 2008, and trial confirmation date of September 11, 2008, be vacated and a new trial date of March 9, 2009, and new trial confirmation date of February 19, 2009, be set.

The continuance of the trial and trial confirmation hearing is necessary because defense counsel is in a trial before another judge of this Court that he now anticipates will last into the trial time scheduled for this case, longer than he had originally estimated;

1 both defense and government counsels have other federal trials
2 scheduled in this district between the current trial date and the
3 new proposed trial date; the government is in the process of
4 obtaining by trial subpoena some final telephone records that will
5 be produced in discovery if they exist and are obtained; and defense
6 counsel continues to investigate and prepare for trial and needs
7 time to review telephone records and other items produced by the
8 government and to discuss them with the defendant.

9 Accordingly, the parties jointly request a new trial date of
10 March 9, 2009, and a new trial confirmation date of February 19,
11 2009, at 9:00 a.m., and that the time period from September 11,
12 2008, to and including March 9, 2009, be excluded under the Speedy
13 Trial Act pursuant to 18 U.S.C. §3161(h)(8)(B)(iv) and Local Code T4
14 for defense preparation and continuity of counsel and based on a
15 finding by the Court that the ends of justice served by granting a
16 continuance outweigh the best interest of the public and defendant
17 in a speedy trial.

18
19 Respectfully submitted,

20 Dated: September 10, 2008

/s/Bruce Locke
BRUCE LOCKE, ESQ.
Attorney for Defendant
JESUS RODRIGUEZ

By PAT per telephone authorization

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McGREGOR W. SCOTT
United States Attorney

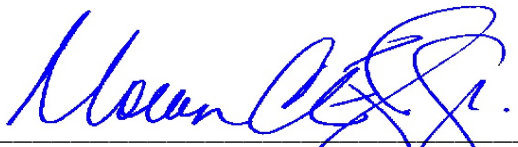
Dated: September 10, 2008

/s/Phillip A. Talbert
PHILLIP A. TALBERT
Assistant U.S. Attorney
Chief of Appeals
Attorney for Plaintiff

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

Dated: September 12, 2008


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE